

**ATTACHMENT 16****Draft Status of Copermittee Compliance**

Assessing compliance with Order No. 90-42, an early storm water permit that does not contain numeric effluent limits, is very challenging. This document includes a variety of relevant tools that are used to assist in the assessment of the overall status of compliance of each Copermittee. Included is a chronology of SDRWQCB enforcement actions against Copermittees for violations of Order No. 90-42, a summary of the Copermittees' own wet weather monitoring results, historical summaries of Copermittee compliance status, and a summary of Copermittee participation in regular Copermittee meetings.

# Draft Status of Copermittee Compliance

## Conclusions

1. **Urban runoff causes or contributes to the impairment of every known impaired water body in the San Diego Region** (i.e., every 303(d) listed water body in the Region is impaired, at least in part, because of urban runoff).
2. **During the past 10 years (the period during which the Copermittees have been subject to Order No 90-42), water quality in the Region has continued to decline. The decline is the result of the increasing urban runoff pollution associated with the growth of the Region** (i.e., increasing urban development and human population).
3. **The continued degradation of the Region's receiving waters is evidence that current efforts to control urban runoff are not working** (i.e., current Copermittee Urban Runoff Management Programs under Order No. 90-42 are either inadequate or ineffective). In other words, we are losing the battle against urban runoff pollution.
4. **More must be done to reduce urban runoff pollutants if the beneficial uses (e.g., fishing, swimming, aquatic habitat, etc.) of the Region's receiving waters are to be protected.**

## Measures of Copermittee Compliance

This document is intended to address Board Member interest in the current status of Copermittee compliance. Staff will address this issue, not by focusing on the action or inaction of a particular Copermittee, but rather by focusing on a broad-based perspective of the intent of the municipal storm water permit and the overall health of the Region's receiving waters.

Like Tentative Order No. 2001-01, the sole objective of Order No. 90-42 is to reduce the discharge of urban runoff pollutants so that the beneficial uses (swimming, fishing, aquatic habitat, etc.) of receiving waters are protected. To protect beneficial uses, Order No. 90-42 (as well as Tentative Order No. 2001-01) directs each municipal Copermittee to: (1) develop a program to reduce the discharge of pollutants into and from its MS4 (i.e., Urban Runoff Management Program); and (2) implement the program within its jurisdiction. Each of the twenty Copermittees has developed an Urban Runoff Management Program and each has implemented the Program, to varying degrees, within its jurisdiction during the past 10 years.

To assess Copermittee compliance with Order No. 90-42, however, we must examine the "water quality results" of the programs in order to see if the programs have worked. The key question is, "Have the Copermittees' programs been effective in reducing discharges of urban runoff pollutants into San Diego's receiving waters?" Staff maintains that taken as a whole, the Copermittees' Urban Runoff Management Programs have not been effective in reducing pollutant discharges to receiving waters within the past ten years. Rather, there is an abundance of evidence that suggests that the ability of our waters to support beneficial uses has continued to decline during the ten year period and that urban runoff discharges are responsible, at least in part, for the observed decline. As summarized in the sections below, the number of water bodies which have been declared "impaired" (i.e., unable to support one or more designated beneficial use) in the Region continues to grow steadily over time. Furthermore it has now been

established that urban runoff causes, or contributes to, the impairment of every known impaired water body in the San Diego Region.

The continued degradation of the Region's receiving waters is strong evidence that the Copermittees' current efforts are not enough and that significantly more must be done to reduce urban runoff pollutants if the beneficial uses of the Region's receiving waters are to be protected.

Elements of Copermittee compliance can be evaluated in many ways. For purposes of renewing the municipal storm water permit, an overall broad-based "report card" assessing water quality is the most useful. This document primarily utilizes a broad-based water quality approach to compliance assessment, but also includes a variety of relevant tools that are used to assist in compliance assessment. These include assessment of urban runoff management programs as described in Copermittee semi-annual reports, assessment of Copermittee participation in regularly scheduled Copermittee meetings, assessment of Copermittee failures to submit required reports, and assessment of previous SDRWQCB enforcement actions against Copermittees.

The purpose of this status of compliance document is to develop a report card for the overall assessment of the collective effectiveness of the Copermittees' urban runoff management plans. By focusing on collective effectiveness, rather than individual Copermittee compliance, a clearer picture of urban runoff management within the region can be observed. A regional assessment is appropriate, since Tentative Order No. 2001-01 seeks to address urban runoff issues region wide. An assessment of the collective status of compliance of the Copermittees is provided for the purpose of guiding actions in the future.

This document is divided into several sections to address each area of compliance which was assessed:

- I. Clean Water Act Section 303(d) Listed Impaired Water Bodies
- II. Copermittees Wet Weather Water Quality Monitoring Results
- III. Enforcement Chronology
- IV. Summary of Copermittee Participation
- V. Program Compliance

## I. CLEAN WATER ACT SECTION 303(d) LISTED IMPAIRED WATER BODIES

The State of California is required under section 303(d) of the Clean Water Act to identify and report water bodies that are impaired. Essentially, impaired water bodies listed on the “section 303(d) list” are water bodies which are not meeting their water quality objectives or supporting their beneficial uses.<sup>1</sup> Urban runoff is the principal contributor of pollutants to impaired water bodies. All of the impaired water bodies within the San Diego Region are impaired at least in part due to the discharge of pollutants in urban runoff.

It is important to note that the number of impaired water bodies within the San Diego Region has steadily increased over the past 25 years, as exhibited in Table 1. When the first listing of impaired water bodies was conducted in 1976, two water bodies within the San Diego Region were included on the list. There are now currently 36 San Diego Region water bodies found on the Clean Water Act section 303(d) list for impairment. Significantly, this increase in impairment of our region’s waters has mirrored the continual increase in urban development within the region.

Table 1:

Biannual Review Year <sup>2</sup>	Number of Clean Water Act, Section 303(d) listed water bodies in the San Diego Region <sup>3</sup>
1976 <sup>4</sup>	2
1978, 1980, 1982, 1984, & 1986	? <sup>5</sup>
1988	5
1990	16
1992	20
1994	20
1996	29
1998 <sup>6</sup>	36

<sup>1</sup> The SDRWQCB Basin Plan describes Clean Water Act section 303(d) listed water bodies “as those where objectives or goals of the Clean Water Act are not attainable with the Best Available Treatment/Best Control Technology (BAT/BCT).” This determination is made from the best available water quality monitoring data. The quality and amount of water quality monitoring data can impact the number of water bodies listed.

<sup>2</sup> The impaired water body list is updated every two years.

<sup>3</sup> Statewide listing of waters pursuant to Clean Water Act, Section 303(d) has evolved over time. Initially, in 1976, fewer than 20 water bodies were identified as “Water Quality Limited Segments.” The “Water Quality Limited Segments” list remained virtually the same until 1988, when it increased to 75 water bodies. Since 1990, the 303(d) list has increased with each biennial listing process, and in California in 1998, 509 water bodies were listed with 1471 water body/pollutant combinations.

<sup>4</sup> The Clean Water Act was enacted in 1976. The first listing of impaired water bodies on the 303(d) list in the San Diego Region occurred in 1976.

<sup>5</sup> The files for this period of time for the San Diego Region are not immediately accessible.

<sup>6</sup> The section 303(d) list was not updated in 2000. The next 303(d) list update will be made in 2002.

## **II. COPERMITTEES WET WEATHER WATER QUALITY MONITORING RESULTS**

### **Summary**

The following broad conclusions can be drawn from the 7-year Monitoring and Reporting Program conducted by the Copermittees pursuant to Order No. 90-42.<sup>7</sup>

- Discharges from MS4s (during storm events) frequently contain pollutants in excess of State water quality objectives. Water quality objectives are established to protect beneficial uses of receiving waters. When they are exceeded, the beneficial uses of the receiving waters are no longer protected.
- Discharges from MS4s (during storm events) are frequently toxic to aquatic life.
- Discharges from MS4s (during storm events) carry significant pollutant loads to the San Diego Region's receiving waters each year.

While data from the Copermittees' Monitoring and Reporting Program provides important information regarding the impacts of wet weather flows, it is important to note that the program does not address urban runoff flows during dry weather. Due to their persistent nature, dry weather flows can also be significant sources of pollutants to receiving waters.

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<sup>7</sup> The value of the data from this program is in some ways limited. The data represent only a portion of the urban runoff discharges from MS4s in San Diego. Only three to five of the storms were sampled in a given year. Storms that occurred late in the season (after monitoring of the required number of storms) were not sampled. Also, although the Pollutant Loads Model (developed by the Copermittees to estimate pollutant load discharges) was based on data from as many as 12 Land Use Stations, exceedances of water quality objectives and criteria were calculated from only three or four of the stations (i.e. Mass Loading Stations). Despite these oversights, the results of the last seven years of wet weather monitoring strongly support existing data showing urban runoff is a leading cause of water quality impairment in the San Diego region. It is likely that more comprehensive monitoring would exhibit even greater impacts.

**Introduction**

Under Order No. 90-42 (San Diego Municipal Storm Water Permit) and its subsequent Technical Change Orders 1-4, the Copermittees are collectively required to perform annual water quality, sediment, and bioassay analyses on urban runoff discharges from their MS4s. The purpose of these analyses is to characterize urban runoff discharges and assess the Copermittees' compliance with the Order. The Copermittees have conducted monitoring for seven years. Nearly all monitoring took place during the wet weather season between October 1 and April 30 of each year. The Copermittees sampled runoff from three to five storm events at 5-15 stations annually in order to characterize the wet weather discharges.

To date, a comprehensive review of the entire data set (seven years of wet weather monitoring data) has not been conducted. However, as part of the 2000/2001 wet weather monitoring program under Order No. 90-42, the Copermittees will be conducting such an analysis. In the absence of a comprehensive evaluation of the full data set, staff at this time conducted a cursory evaluation of the monitoring data to provide Board members with a general perspective on what has been learned about urban runoff discharges in San Diego during the past seven years. As summarized below, three broad measures of water quality were included in our cursory review: Exceedances of Water Quality Objectives or Criteria, Toxicity Testing of Storm Water, and the Estimated Mass Loading of Pollutants of Concern to Receiving Waters.

**Exceedance of Water Quality Objectives or Criteria**

In their annual Wet Weather Monitoring Program Reports, the Copermittees compared analytical results for pollutants of concern with the water quality objectives or criteria adopted by the SDRWQCB in the Basin Plan, the SWRCB in the California Ocean Plan, or to the USEPA National Ambient Water Quality Criteria (EPA NAWQC). These objectives and criteria are established to protect beneficial uses of receiving waters. Exceedances of these objectives or criteria are important because when exceedances occur, beneficial uses, by definition, are no longer protected. Runoff from a minimum of three storm events was sampled at between three to five Mass Loading Stations annually. Additional stations were also monitored for Pollutant Load Model development, but the data from these stations was not analyzed for exceedances of water quality objectives and criteria. Numerous exceedances for multiple pollutants of concern (total, and dissolved metals, bacteria, total dissolved solids, polynuclear aromatic hydrocarbons, and toxicity) were found in every year sampled.

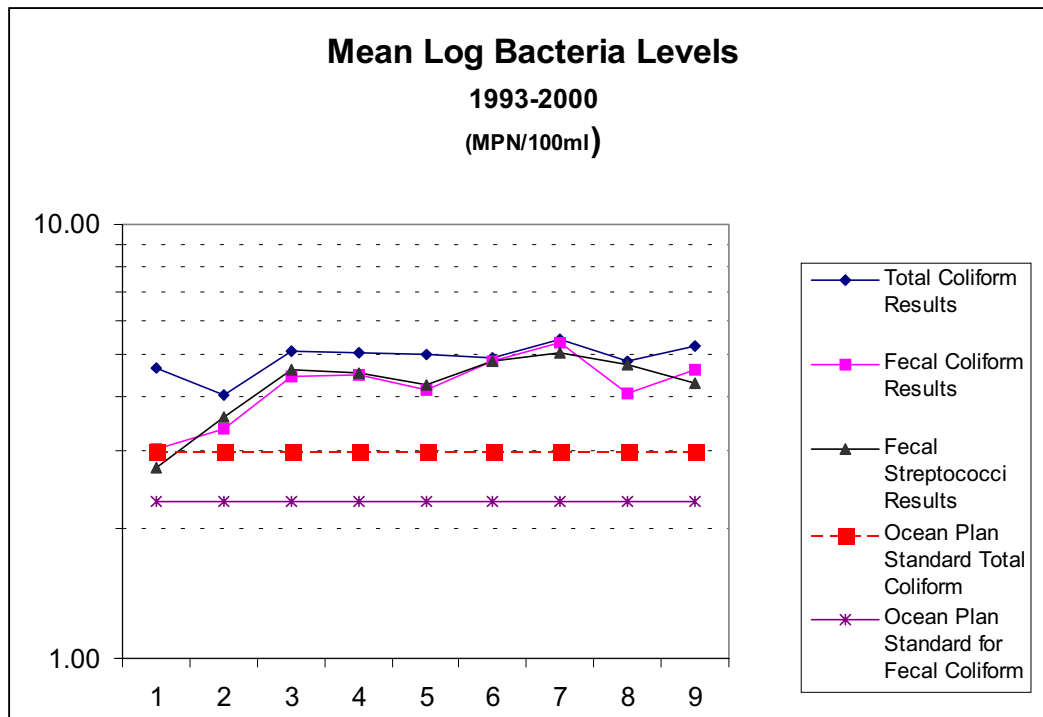
**Bacteria**

Levels of coliform bacteria exceeded REC-1 standards for 94% of the samples analyzed (Table 1).<sup>8</sup> Although no standard has been adopted for Fecal Streptococci, numbers of those bacteria closely tracked Fecal Coliform bacteria (Figure 1). Moreover, on average, the Fecal Coliform levels exceeded the water quality standard by a factor of 240. By contrast, at the JO3PO2 storm drain outfall at Sulpher Creek (a tributary of Aliso Creek), the average levels of Fecal Coliform

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<sup>8</sup> Using the California Ocean Plan and SDRWQCB Basin Plan REC-1 standard of 200MPN/100ml for Fecal Coliform bacteria.

Figure 1.



Bacteria only exceeded REC-1 standards by a factor of 87. In response to these elevated bacteria levels in discharges from J03P02, the SDRWQCB issued Cleanup and Abatement Order No. 99-211 to the County of Orange, Orange County Flood Control District and the City of Laguna Niguel. Enforcement action regarding bacteria levels in San Diego has occurred only in Coronado at North Beach.

The extent of this bacteria discharge into receiving waters from the San Diego MS4 system is not unique in Southern California or the nation. Urban runoff yields consistently high densities of coliform bacteria in many metropolitan areas and is one of the largest contributors to impaired surface waters in the United States (Noble et. al. 1999).

**Table 1:**

<p style="text-align: center;"><b>Acute</b>  <b>Wet Weather Water Quality Objective Exceedances</b>  <b>by Percent of Samples Analyzed</b>  <b>From Copermittees NPDES Storm Water Monitoring Program 1993-2000</b></p>								
Rain Year								
Constituent	93/94	94/95	95/96	96/97	97/98	98/99	99/00	Mean
Copper (Dissolved)	NA	0%	38%	38%	NA	NA	7%	20%
Copper (Total)	44%	73%	60%	NA	67%	27%	NA	54%
Lead (Dissolved)	NA	0%	0%	0%	NA	NA	0%	0%
Lead (Total)	19%	55%	20%	NA	14%	13%	NA	24%
Zinc (Dissolved)	NA	0%	25%	25%	NA	NA	20%	18%
Zinc (Total)	56%	73%	60%	NA	53%	33%	NA	55%
Cadmium (Dissolved)	NA	0%	0%	0%	NA	NA	0%	0%
Cadmium (Total)	0%	0%	0%	NA	0%	20%	NA	4%
Toxicity (7 day, chronic, Cerodaphnia dubia)	NA	100%	83%	88%	100%	83%	33%	81%
PAH's (carcinogenic)	0%	0%	0%	33%	0%	NA	NA	7%
PAH's (non carcinogenic)	0%	0%	0%	0%	0%	NA	NA	0%
Total Dissolved Solids	56%	36%	45%	50%	42%	53%	40%	46%
Total Coliform Bacteria	100%	100%	100%	100%	100%	100%	64%	95%
Fecal Coliform Bacteria	94%	100%	100%	100%	100%	100%	64%	94%
Catchment Area (Acres)	161,279	17,885	17,872	53,406	55,981	71,181	71,181	64,112
Mean Event Discharge (Acre-Feet)	49,586	6,556	6,541	17,390	18,190	22,451	22,451	20,452

NA = Not Analyzed.



Furthermore, the recent Bight 1998 Shoreline Microbiology Study found that most bacterial Ocean Plan REC-1 exceedances occurred in the vicinity of freshwater outlets, which are the usual endpoint for MS4 discharges. These results are characteristic of urban storm water runoff and have resulted in numerous local beach closures. This, in turn, has led directly to more stringent MS4 discharge permit requirements and recent monitoring legislation (e.g. Assembly Bill 411) directed at Southern California coastal regions.

#### Total and Dissolved Metals, Polynuclear Aromatic Hydrocarbons, and Total Dissolved Solids

Dissolved and total metals were frequently found by the Copermittees to be in exceedance of USEPA National Ambient Water Quality Criteria (EPA NAWQC) for fresh water throughout the seven years of the monitoring program (Table 1 and Table 2). These estimates are conservative and do not include results in which, due to hardness levels, the laboratory reporting limit exceeded the water quality criteria.

Table 2:

Metal	% Exceedances	
	Acute (1 hr.)	Chronic (4 day)
Dissolved Copper	20%	24%
Dissolved Lead	0%	27%
Dissolved Zinc	18%	21%
Total Copper	54%	64%
Total Lead	24%	63%
Total Zinc	55%	58%

Concentrations of polynuclear aromatic hydrocarbons (PAHs) exceeded EPA NAWQC objectives in 33% of the samples analyzed for seven carcinogenic compounds (Table 1) in 1996/1997. This was the only year in which exceedances of PAHs were reported.

Total dissolved solids concentrations exceeded the SDRWQCB Basin Plan Water Quality Objective of 300mg/l for Inland Surface Waters during every year of the program (Table 1).

#### **Toxicity Testing of Storm Water:**

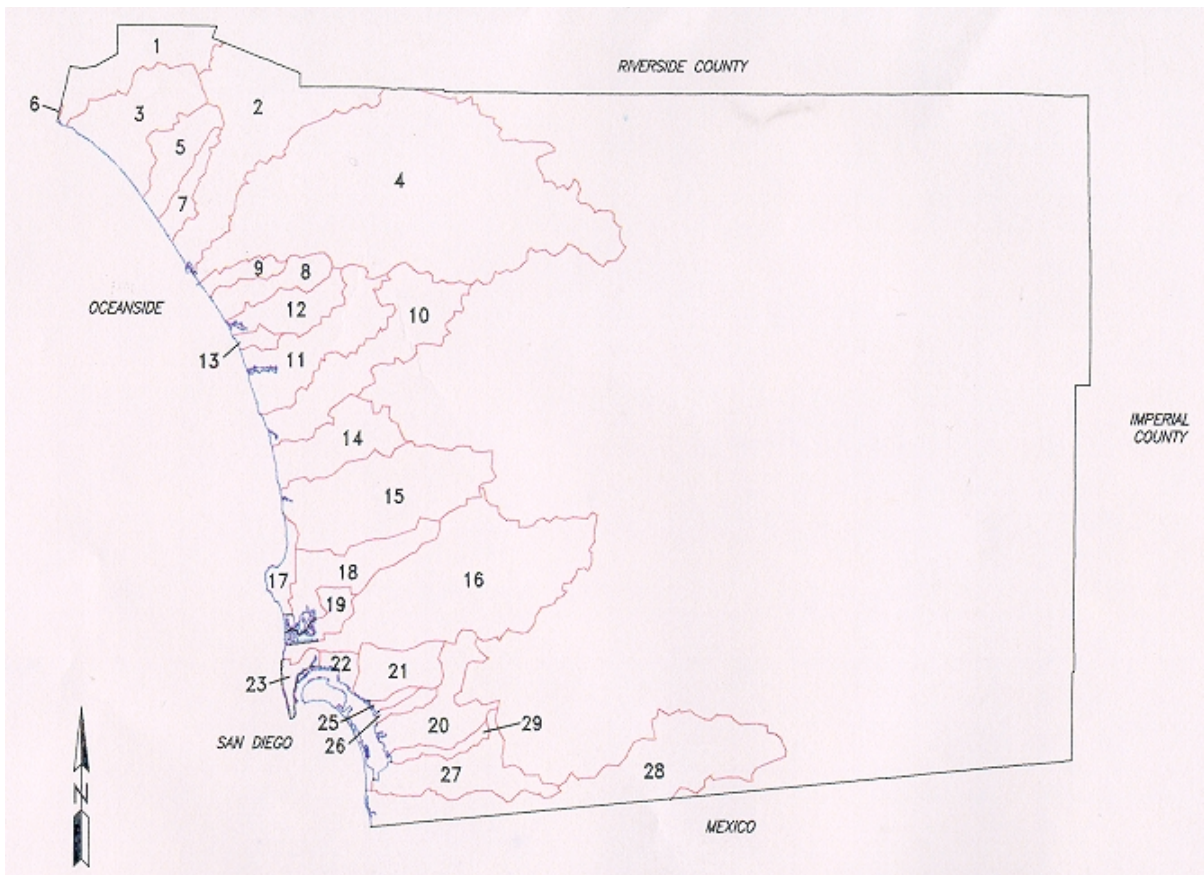
Toxicity testing was initiated during the 1994/1995 Stormwater Monitoring Program in response to consistent exceedances of water quality objectives and criteria at certain locations. Since toxicity testing was begun, the Water Flea *Cerodaphnia dubia* toxicity analyses have demonstrated toxicity in storm water samples during every year for most of the samples analyzed (Table 1). Toxicity was not observed, however, in the *Pinephales* fish toxicity tests. The toxicity in some of the samples was linked to the pesticide diazinon, which is toxic to invertebrates, but is not toxic to fish at the concentrations observed. One outcome of this part of the Copermittees' monitoring program was the listing of Chollas Creek as an impaired water body under Section 303(d) of the Clean Water Act and the initiation of the Chollas Creek Total Maximum Daily Load for diazinon by the SDRWQCB in 1999.

Evidence of toxicity was also found in sediment samples collected from stations in San Diego Bay, in sediment deposited in San Diego Bay from Chollas Creek, and occasionally even in sediment from Mission Bay (the reference condition). During every year of the monitoring program, analysis of the sediments from San Diego Bay indicated increased toxicity after the wet weather season when compared to samples collected in the same sites prior to the wet weather season.

**Estimated Mass Loading of Pollutants of Concern to Receiving Waters:**

Mass loading refers to an annual estimate of the magnitude of pollutants discharged to receiving waters during storm runoff events. A Pollutant Loads Model was developed by the Copermittees in 1993/1994 and refined annually to provide a general estimate of the mass loading of pollutants from watersheds in San Diego covered by Order No. 90-42 (as depicted in Figure 2). This study area, which includes different land uses related to the MS4 permit, covers approximately 923,855 acres and discharges an estimated 325,000 acre-feet of water per rain-year. As many as twelve Land Use Stations were sampled during three to five storm events to compile data for development of the model. The estimated loadings of pollutants of concern from 1993 to 2000 are presented in Table 3.

Figure 2:



<b>Wet Weather Pollutant Loading Estimates</b> <b>from Copermittees NPDES Storm Water Monitoring Program 1993-2000</b> (Pounds/Year/Stations Sampled)								
Rain Year								
Pollutant	93/94	94/95	95/96	96/97	97/98	98/99	99/00	Mean
Copper (Dissolved)	NA	NA	10,266	12,143	17,841	929	1,139	8,464
Copper (Total)	4,270	16,327	12,159	20,893	26,741	1,620	1,983	11,999
Lead (Dissolved)	NA	NA	4,085	3,234	3,685	186	229	2,284
Lead (Total)	2,340	29,207	19,696	19,699	19,376	1,100	1,359	13,254
Zinc (Dissolved)	NA	NA	113,185	104,293	108,884	6,055	6,732	67,830
Zinc (Total)	25,780	102,332	186,910	186,957	191,439	11,985	14,686	102,870
Cadmium (Dissolved)	NA	NA	155	243	222	14	17	130
Cadmium (Total)	200	763	387	606	536	34	42	367
NO2/NO3	110,700	646,461	766,986	736,161	714,339	43,879	54,088	438,945
Phosphorous (Dissolved)	15,500	78,511	177,885	168,909	146,760	9,964	16,257	87,684
Phosphorous (Total)	45,580	246,801	296,927	283,924	263,639	16,275	20,033	167,597
Total Suspended Solids	20,394,380	145,818,535	92,771,313	86,131,751	97,656,402	6,661,929	8,192,814	65,375,303
Total Dissolved Solids	14,181,910	38,143,529	67,641,762	64,216,622	74,476,702	5,217,362	6,430,635	38,615,503
Sediment (tons)*	10,197	72,909	46,385	43,066	48,828	3,330	4,096	32,687
Area (Acres)	163,332	943,151	923,855	923,855	923,855	55,980	71,180	572,173
Discharge (Acre-Feet)	49,586	312,000	325,000	324,552	324,553	18,192	22,451	196,619

NA = Not Analyzed.

\* Sediment tonnage estimated only from Total Suspended Solids and represents a significant underestimate.

The average estimated tonnage of pollutants discharged yearly into coastal receiving waters is presented in Table 4<sup>9</sup>. An approximate average of 46,000 tons of sediment, 10 tons of copper, 10 tons of lead, and 94 tons of zinc are discharged annually into receiving waters from these watersheds. In addition, 370 tons of nitrogen (NO<sub>2</sub>+NO<sub>3</sub>) and 141 tons of phosphorous were discharged into receiving waters. Moreover, the sediment loading is grossly underestimated since it is calculated exclusively from Total Suspended Solids analyzed for each station and does not take into account settleable solids or in-stream bedload.

Table 4:

Pollutant	Tons/Year*
Copper (Total)	10
Lead (Total)	10
Zinc (Total)	94
NO <sub>2</sub> /NO <sub>3</sub>	370
Phosphorous (Dissolved)	82
Total Dissolved Solids	34,389
Sediment	46,093
*(Based on data from 1995-1998)	

Based on the yearly results and refinement of the Pollutant Loading Model, the data demonstrate that significant amounts of pollutants of concern are annually discharged untreated to the coastal receiving waters by storm water flows. These discharges pose a significant threat to the biological, chemical, and physical integrity of the receiving waters. Moreover, the Epidemiological Study in Santa Monica (Haile et. al 1996) established an increased incidence of illness associated with swimming or bathing near discharging storm drains.

### References

- Haile, R.W. , J. Alamillo, K. Barrett, R. Cressey, J. Dermond, C. Ervin, A. Glasser, N. Harawa, P. Harmon, J. Harper, C. McGee, R.C. McMillikan, M. Nides, J.S. Witte. (1996) An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay. Santa Monica Bay Restoration Project.
- Noble, R.T., J.H. Dorsey, M.K. Leecaster, M. Mazur, C.D. McGee, D. Moore, V. Orozco-Borbon, D. Reid, K. Schiff, P.M. Vainik, and S.B. Weisberg. (1999) Southern California Bight 1998 Regional Monitoring Program: I. Summer Shoreline Microbiology. Southern California Coastal Water Research Project. Westminster, CA.

<sup>9</sup> Results are from the Pollutant Load Model generated from 1995-1998, the three years the model was most consistently generated and refined. After 1998, the monitoring of Land Use Stations was discontinued and the model only calculated for the watersheds specific to the Mass Loading Stations.

### **III. ENFORCEMENT CHRONOLOGY: Enforcement Against Copermittees for Violations of Order No. 90-42**

#### **Water Quality Violations**

**Water Quality Violations are defined as significant violations which contribute to water quality impairment such as a discharge of sediment to a receiving water.**

**November 6, 2000**

**City of San Diego**

**NOV No. 2000-262**

**Kearney Mesa Community Park. No BMPs.**

Notice of Violation issued for lack of BMPs at the Kearney Mesa Community Park.

**August 30, 2000**

**City of San Diego**

**ACL Order No. 2000-121. \$527,000.**

**Arroyo Sorrento. Sediment Discharges.**

Administrative Civil Liability Order No. 2000-121 assessed regarding sediment discharges from Arroyo Sorrento Rd. into the Municipal Separate Storm Sewer System (MS4) tributary to Carmel Creek and Los Penasquitos Lagoon.

**August 22, 2000**

**City of Escondido**

**NOV No. 2000-181 and 13267 Letter**

**Escondido Creek. Ongoing trash problem.**

Notice Of Violation No. 2000-181 and a 13267 Letter issued regarding trash in Escondido Creek and a suspected ongoing illicit discharges.

**July 27, 2000**

**City of San Marcos**

**NOV Letter**

**Agua Hedionda Creek. Trash and Debris.**

Letter issued for trash and debris in Agua Hedionda Creek.

**July 14, 2000**

**County of San Diego**

**NOV No. 2000-100 and 13267 Letter**

**Starwood Development. Discharges from construction site.**

Notice of Violation No. 2000-100 and 13267 Letter issued regarding construction permit violations at the Starwood Development site.

**July 3, 2000****City of San Diego  
13267 Letter****Arroyo Sorrento. Sediment Discharges.**

Request for 13267 Technical Report regarding the Notice of Violation and Clean Up and Abatement Order 98-50 for sediment discharges from Arroyo Sorrento Rd. into the Municipal Separate Storm Sewer System tributary to Carmel Creek and Los Penasquitos Lagoon.

**April 20, 2000****City of San Diego  
NOV No. 2000-88 and 13267 Letter  
ColRich Communities. Discharges from  
construction site.**

Notice of Violation 2000-88 and a 13267 Letter regarding illicit/illegal discharges of sediment from the ColRich Communities Project construction site to the MS4 tributary to Carmel Creek and Los Penasquitos Lagoon.

**November 10, 1999****City of Coronado  
ACL Order No. 99-87. \$154,000****North Beach. High Bacteria**

Administrative Civil Liability Order No. 99-87 assessed regarding discharger of pollutants onto the North Beach.

**1998****City of Coronado  
NOV No. 98-219****North Beach. High Bacteria Counts.**

Notice of Violation No. 98-219 issued for failure to adequately report and certify report required in CDO No. 98-74.

**August 26, 1998****City of Coronado  
13267 Letter****Avenida Del Sol. Pumping Urban Runoff**

A 13267 Letter sent requesting information regarding pumping of urban runoff from the manhole located at the end of Avenida Del Sol in Coronado.

**August 6, 1998****City of San Diego  
CAO No. 98-50****Arroyo Sorrento. Sediment Discharges.**

Clean Up and Abatement Order No.98-50 issued

regarding sediment discharges from Arroyo Sorrento Rd. into the Municipal Separate Storm Sewer System tributary to Carmel Creek and Los Penasquitos Lagoon.

**July 9, 1998**

**City of Coronado**

**CDO No. 98-74**

**North Beach. High Bacteria Counts.**

Cease and Desist Order No. 98-74 issued regarding high bacteria at North Beach.

**July 8, 1998**

**City of San Diego**

**NOV No. 98-81**

**Arroyo Sorrento. Sediment Discharges.**

Notice of Violation No. 98-81 for failure to submit the required 13267 Technical Report regarding sediment discharges from Arroyo Sorrento Rd. into the Municipal Separate Storm Sewer System tributary to Carmel Creek and Los Penasquitos Lagoon.

**March 17, 1998**

**City of Poway**

**13267 Request for Information**

**Los Penasquitos Lagoon. Sediment Discharges.**

Request for information regarding sediment discharges into Los Penasquitos Lagoon from unpaved roads within the City of Poway.

**March 17, 1998**

**City of Del Mar**

**13267 Request for Information**

**Los Penasquitos Lagoon. Sediment Discharges.**

Request for information regarding sediment discharges into Los Penasquitos Lagoon from unpaved roads within the City of Del Mar.

**March 13, 1998**

**City of San Diego**

**13267 Request for Information**

**Los Penasquitos Lagoon. Sediment Discharges.**

Request for information regarding sediment discharges into Los Penasquitos Lagoon from unpaved roads within the City of San Diego.

**November 4, 1997**

**City of Coronado**

**CAO No. 97-69**

**North Beach. High Bacteria Counts.**

Clean Up and Abatement Order No.97-69 issued for high bacteria at North Beach.

**August 30, 1996**

**City of San Diego**  
**13267 Request for Information**  
**Los Penasquitos Lagoon. Sediment Discharges.**  
Request for information regarding construction site sediment discharges, and sediment discharges from existing development.

**Paper Work Violations**

**Paper work violations are defined as less significant violations in which the Copermittee has failed to submit a required report.**

**August 20, 1998**

**City of Vista**  
**NOV No. 98-96**  
**July 1998 Semi-Annual Report**  
Notice of Violation No. 98-96 issued for failure to certify the semi-annual report.

**August 20, 1998**

**City of Lemon Grove**  
**NOV No. 98-97**  
**July 1998 Semi-Annual Report**  
Notice of Violation No. 98-99 issued for failure to submit and certify the semi-annual report.

**August 20, 1998**

**City of Coronado**  
**NOV No. 98-92**  
**July 1998 Semi-Annual Report**  
Notice of Violation No. 98-92 issued for failure to certify the semi-annual report.

**August 20, 1998**

**City of Escondido**  
**NOV No. 98-93**  
**July 1998 Semi-Annual Report**  
Notice of Violation No. 98-93 issued for failure to certify the semi-annual report.

**August 20, 1998**

**City of Imperial Beach**  
**NOV No. 98-94**  
**July 1998 Semi-Annual Report**  
Notice of Violation No. 98-94 issued for failure to certify the semi-annual report.

**August 20, 1998**

**City of La Mesa**  
**NOV No. 98-95**  
**July 1998 Semi-Annual Report**



Notice of Violation No. 98-95 issued for failure to certify the semi-annual report.

**August 7, 1998**

**City of Santee**

**NOV No. 98-63**

**July 1998 Semi-Annual Report**

Notice of Violation No. 98-63 issued for failure to submit the semi-annual report.

**August 7, 1998**

**City of San Marcos**

**NOV No. 98-63**

**July 1998 Semi-Annual Report**

Notice of Violation No. 98-68 issued for failure to submit the semi-annual report.

**1995**

**City of La Mesa**

**NOV No. 95-47**

**Semi-Annual Report**

Notice of Violation No. 95-47 issued for failure to submit the semi-annual report.

**1993**

**City of La Mesa**

**NOV No. 93-100**

**Semi-Annual Report**

Notice of Violation No. 93-100 issued for failure to submit the semi-annual report.

**1993**

**City of Solana Beach**

**NOV No. 93-101**

**Semi-Annual Report**

Notice of Violation No. 93-101 issued for failure to submit the semi-annual report.

#### IV. SUMMARY OF COPERMITTEE PARTICIPATION: Percentage Attendance of Each Copermittee at Regularly Scheduled Copermittee Meetings from 1990 to 2000

The attendance record of each of the Copermittees at the regularly scheduled Copermittee Meetings is summarized in the table below. **The shaded cells represent Copermittees that have attended less than 75 percent of the total number of meetings.** The purpose of the meetings is to discuss issues regarding implementation of the Copermittees' Urban Runoff Management Plans as required under Order No. 90-42. Moreover, the meetings provide the Copermittees with a regularly scheduled opportunity to meet with SDRWQCB staff and discuss issues or seek guidance on compliance with Order No. 90-42. The development of Tentative Order 2001-01 is also addressed by staff at the Copermittee Meetings.

The meetings have spanned approximately 10 years, and are/were held on a bimonthly, monthly, or quarterly basis. Because all of the attendance records are not available at this time, the table is not a complete account of all the Copermittee meetings, but is a representative sample of meetings spanning approximately 10 years.

Copermittee	% Attendance	% Absence
Carlsbad	78	22
Chula Vista	94	6
Coronado	79	21
Del Mar	73	27
El Cajon	71	29
Encinitas	62	38
Escondido	79	21
Imperial Beach	65	35
La Mesa	75	25
Lemon Grove	57	43
National City	78	22
Oceanside	73	27
Port District	81	19
Poway	79	21
San Diego	89	11
San Diego County	89	11
San Marcos	62	38
Santee	60	40
Solana Beach	43	57
Vista	97	3

## **V. PROGRAM COMPLIANCE**

Assessments of Copermittee Program Compliance were made in 1996 and 1999. Staff addressed several questions with respect to the individual activities of the Copermittees as reported in their biannual reports to SDRWQCB:

1. Has any level of effort been devoted to each of the 6 components of the Storm Water Management Program based on the review of submittals from January 1991 to January 1996?
2. Has the municipality enacted a storm water ordinance?
3. Has the municipality implemented the seven minimum Best Management Practices (BMPs)?
4. Has the municipality implemented a dry weather field screening to detect illicit connections and illegal discharges (IC/IDs)?
5. Has the municipality submitted written procedures to follow-up reports of IC/IDs from both field screening detections and citizen compliants?
6. Has the municipality submitted an adequate fiscal analysis and identified a funding source for its Storm Water Management Program?

During the evaluation in 1996, it was found that only half of the Copermittees had submitted a fiscal analysis, but that 18 of the 20 Copermittees had identified a funding source for its Storm Water Management Program (Table 1). Only 6 of the Copermittees had implemented the seven minimum BMPs. With respect to dry weather field screening, 19 of the Copermittees had conducted field screening, but only 6 had established written procedures to follow-up IC/IDs detections or citizen compliants. All of the Copermittees participated in hiring a consultant to conduct the Monitoring and Reporting Program, but 2 of the municipalities (Carlsbad and Oceanside) had not yet enacted a storm water ordinance.

By 1999, all of the Copermittees had enacted a storm water ordinance and implemented the seven minimum BMPs as required under Order No. 90-42. Also, all of the Copermittees had a IC/ID program with follow-up procedures established to respond the IC/ID detections and citizen complaints. However, 2 municipalities were still not submitting a fiscal analysis and 4 were not submitting a program analysis.

Table 2:

January 1999 Submittal							
Copermittee	BMP Program	IC/IDD Program	SW Monitor Program	Fiscal Analysis	Program Analysis	Signed & Certified	Date Received
Carlsbad	X	X	X	\$83,690	X	X	2/1/99
Chula Vista	X	X	X	NS	NS	X	1/29/99
Coronado	X	X	X	X	X	X	1/29/99
Del Mar	X	X	X	\$225,201	X	X	1/29/99
El Cajon	X	X	X	\$1,760,000	X	X	1/29/99
Encinitas	X	X	X	\$651,000	X	X	1/29/99
Escondido	X	X	X	\$181,580	X	X	1/29/99
Imperial Beach	X	X	X	Jul-98	X	X	1/29/99
La Mesa	X	X	X	\$225,000	NS	X	1/29/99
Lemon Grove	X	X	X	\$86,500	X	X	1/29/99
National City	X	X	X	X	NS	X	1/29/99
Oceanside	X	X	X	\$1,027,000	NS	X	1/29/99
Port District	X	X	NS	\$23,100,000	X	X	1/29/99
Poway	X	Dec-98	X	X	X	X	2/8/99
San Diego City	X	X	X	\$522,000	X	X	1/29/99
San Diego Co.	X	X	X	\$2,200,000	Good	X	1/29/99
San Marcos	X	X	N/A	\$296,200	X	X	1/29/99
Santee	NS	NS	NS	NS	NS	NS	NS
Solana Beach	X	X	N/A	\$79,000	X	X	1/29/99
Vista	X	X	X	\$100,000	Good	X	2/1/99
NS: Not submitted							